

AGENCY: Railroad Retirement Board.

ACTION: Notice announcing updated penalty inflation adjustments for civil monetary penalties for 2023.

SUMMARY: As required by the Bipartisan Budget Act of 2015, entitled the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, the Railroad Retirement Board (Board) hereby publishes its 2023 annual adjustment of civil penalties for inflation.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:

Section 701 of the Bipartisan Budget Act of 2015, Public Law 114-74 (Nov. 2, 2015), entitled the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act), amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note) (Inflation Adjustment Act) to require agencies to publish regulations adjusting the amount of civil monetary penalties provided by law within the jurisdiction of the agency not later than January 15th of every year.

For the 2023 annual adjustment for inflation of the maximum civil penalty under the Program Fraud Civil Remedies Act of 1986, the Board applies the formula provided by the 2015 Act and the Board's regulations at title 20, Code of Federal Regulations, part 356. In accordance with the 2015 Act, the amount of the adjustment is based on the percent increase between the Consumer Price Index (CPI-U) for the month of October preceding the date of the adjustment and the CPI-U for the October one year prior to the October immediately preceding the date of the

adjustment. If there is no increase, there is no adjustment of civil penalties. The percent increase between the CPI-U for October 2022 and October 2023, as provided by Office of Management and Budget Memorandum M-23-05 (December 15, 2022) is 1.07745 percent. Therefore, the new maximum penalty under the Program Fraud Civil Remedies Act is \$13,508 (the 2022 maximum penalty of \$12,537 multiplied by 1.07745, rounded to the nearest dollar). The new minimum penalty under the False Claims Act is \$13,508 (the 2022 minimum penalty of \$12,537 multiplied by 1.07745, rounded to the nearest dollar), and the new maximum penalty is \$27,018 (the 2022 maximum penalty of \$25,076 multiplied by 1.07745, rounded to the nearest dollar). The adjustments in penalties will be effective [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

Dated: December 21, 2022.

By Authority of the Board.

Stephanie Hillyard,

Secretary to the Board.

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